

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>In re: MARK POWELL and POWELL DEVELOPMENT COMPANY, INC.,</b>	:	<b>Chapter 12</b>
	:	<b>5:10-BK-06255-JJT</b>
<b>Debtors.</b>	:	
<hr/>		
<b>CHESAPEAKE APPALACHIA, LLC and STATOIL USA ONSHORE PROPERTIES, INC.,</b>	:	
	:	
	:	
<b>Appellants,</b>	:	<b>3:13-CV-00035</b>
	:	<b>(JUDGE MARIANI)</b>
	:	<b>(APPEAL FROM BANKRUPTCY COURT)</b>
<b>v.</b>	:	
	:	
<b>MARK POWELL and POWELL DEVELOPMENT COMPANY INC.,</b>	:	
	:	
	:	
<b>Appellees.</b>	:	

---

**ORDER**

**AND NOW, THIS** 10<sup>th</sup> **DAY OF NOVEMBER, 2015**, upon consideration of the above-captioned creditors' appeal from the Bankruptcy Court's decision of September 18, 2012, **IT IS HEREBY ORDERED THAT:**

1. The Bankruptcy Court's decision is **VACATED** insofar as it holds that the parties' oil and gas lease is either an executory contract or an unexpired lease subject to rejection under 11 U.S.C. § 365.
2. The case is **REMANDED** to the Bankruptcy Court for any further proceedings consistent with this Order and its accompanying Opinion.

A handwritten signature in black ink, appearing to read "R. Mariani", is written over a horizontal line.

Robert D. Mariani  
United States District Judge